

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

KATHERINE SEARS and VIRGINIA  
SEGANOS,

## Plaintiffs

MID VALLEY ENTERPRISES, LLC and  
PAHRUMP ICS LLC,

## Defendants

Case No.: 2:19-cv-00532-APG-CWH

## **Order Denying Motions for Interlocutory Appeal and to Stay Case**

[ECF Nos. 42, 43]

9 The defendants filed a motion for interlocutory appeal of my order denying their motion  
10 to dismiss the plaintiffs' claims under the Fair Labor Standards Act (FLSA). ECF No. 42. They  
11 also filed a motion to stay the case until the court of appeals rules on their proposed interlocutory  
12 appeal. ECF No. 43.

13 I have discretion to grant an interlocutory appeal if I feel my “order involves a controlling  
14 question of law as to which there is substantial ground for difference of opinion and that an  
15 immediate appeal from the order may materially advance the ultimate termination of the  
16 litigation.” 28 U.S.C. § 1292(b). I declined to dismiss the FLSA claims because the plaintiffs  
17 “have alleged facts that plausibly support an enterprise theory of FLSA coverage.” ECF No. 40.  
18 Whether the plaintiffs can ultimately prove that theory—or any other theory of recovery—will  
19 be determined later. For now, they have alleged a sufficient basis to justify proceeding with  
20 discovery. My order does not address a controlling question of law, it merely finds plausible  
21 allegations. And an interlocutory appeal would not materially advance the ultimate resolution of  
22 this case because discovery is needed to help resolve the plaintiffs’ theories for recovery. I thus  
23 deny the motion for an interlocutory appeal. That makes the motion to stay moot.

1 I THEREFORE ORDER that the defendants' motion for interlocutory appeal (**ECF No.**  
2 **42**) is **DENIED**.

3 I FURTHER ORDER that the defendants' motion to stay the case (**ECF No. 43**) is  
4 **DENIED as moot**.

5 DATED this 12th day of June, 2020.



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7 ANDREW P. GORDON  
8 UNITED STATES DISTRICT JUDGE  
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